

No. 18-8013

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Paul Pieczynski---Petitioner

vs.

WELLS FARGO BANK---RESPONDENT

FROM THE THIRD CIRCUIT COURT OF APPEALS

PETITION FOR REHEARING and MOVE TO EQUITY JURISDICTION

ARTICLE III

Paul Pieczynski

462 Carverton Road

Wyoming, Pennsylvania [18644]

570 814-5171

ASSAY:

Certificate of Good Faith---1 page, 2 front and back
Rehearing Petition and Move to Equity Jurisdiction---12 pages, 24 front and back
Process to Perfect the Land Patent---23 pages, 46 front and back
Authenticated Birth Certificate---5 pages, 10 front and back
Affidavit of ownership---1 page, 2 front and back
Declaration of Status---5 pages, 10 front and back
Registration of Fictitious Name---1 page, 2 front and back
Notice of Interest---1 page, 2 front and back
Special Notice of Deed of Conveyance---1 page, 2 front and back
Notice of Delivery---1 page, 2 front and back
Notice of Acknowledgement, Receipt and Acceptance---1 page, 2 front and back
Proof of Service---1 page, 2 front and back
Total pages 53. Total pages front and back 106

Supreme Court, U.S.
FILED

MAY 17 2019

OFFICE OF THE CLERK

Special Private Priority in Confidence

RE 27096369545-011

PICB

The Bill of Complaint of paul pieczynski, resident on Luzerne County, Pennsylvania.

To: the Honorable Chancellor, Justice Samuel A. Alito, Jr.

The Petitioner is legally disabled and “ *equity comes to the aide of the legally disabled*”. The Petitioner moves to take this matter into the exclusive jurisdiction of equity because this matter cannot be heard at law. *Equity looks to the intent rather than to the form.*

I AM, Paul: Pieczynski, being of sound mind and lawful age, do solemnly declare: As We exist and operate within EQUITABLE jurisdictions: We are a Private Citizen on the United States of America, privately residing and privately domiciling within one of the union member States, outside a “Federal Zone” , within a non-military occupied private estate not subject to the jurisdiction of the “United States”: We come before this Honorable court with clean hands.

My rights as a private citizen are in jeopardy, and are of those classes, rooted in a lofty Christian morality, which the written constitution for the united States of America either confers or has taken under its protection and no adequate remedy for their enforcement is provided by the forms and proceedings purely 'legal', and modes of acquiring jurisdiction martial in character, the same necessity invokes and justifies, in cases to which its remedies can be applied, that jurisdiction in equity vested by the written constitution for the united States of America, and which cannot be affected by the legislation of the emergency provisional congress, the states or agencies who are subject to the laws of the emergency "UNITED STATES"

in the District of Columbia.

This natural living man, known as pieczynski, paul, of the creator in private life, comes before the Supreme Court of the united States of America. I am here to declare there is a conflict with variance of law, equity, codes and rules of regulations and statutes. This living man with a soul will now only enter the threshold of Equity law. *"Equity suffers no right to be without a remedy"*. i ask for the Supreme Court of the Republic of the united States of America to open the Article III doors of the Constitution to provide remedy for this living man.

The "natural law," as defined by Hugo Grotius, was "the dictate of right reason which points out that a given act, because of its opposition to or conformity with man's rational nature, is either morally wrong or morally necessary, and accordingly forbidden or commanded by God, the author of nature". "From the beginning, with the creator as my witness, i Pieczynski, Paul Pieczynski a natural true man of the creator in private life, acknowledge and accept all gifts and grace granted by the creator. i repent all transgressions against the great spirit and waive all claims without the creator". We humbly petition the Court to hear our plea so that remedy may be begotten for the natural living man.

The all capital name, PAUL PIECZYNSKI, is a Testimony Estate Trust (Cesti Que Vie) formed by the WASHINGTON DC MUNICIPAL STATE, of the UNITED STATES where all the assets of the living man were rolled over into an Estate Trust named after the original living man, paul pieczynski, but was restyled as PAUL PIECZYNSKI, created under Washington DC Municipal Statute 2, Vital

Statistics, Section 7-201 Paragraph 10, owned and operated by the UNITED STATES INC.

We have never consented to being restyled as Chattel.

"Equity regards the beneficiary as the real owner".

We are in possession of the Perfected Title.

Said bond is in our possession, has been authenticated by the Department of State and the recorded, certified copy will stand in evidence we are foreign to the UNITED STATES, and any and all franchises. We are not subject to statute, as prescribed to "United States Citizens" in The Trading With the Enemy Act and the Emergency

Banking Relief Act.

We claim beneficial interest in the bonding instrument as a private citizen.

i Paul Pieczynski am the beneficiary and assign to a grant by the united States of America on the 16th of March 1812 being a land patent, the first conveyance of title to the property owned and occupied by Paul Pieczynski since the year nineteen hundred eighty eight. i Paul Pieczynski have executed and perfected the land patent grant from the united States of America.

Fletcher v. Peck - Marshall's opinion in Fletcher v. Peck performed two creative acts of Contracts having Continuing Obligations.

Chief Justice Marshall stated: "A contract is a compact between two or more parties, and is either executory or executed. An executory contract is one in which a party binds himself to do, or not to do, a particular thing; such was the law under which the conveyance was made by the Governor. A contract executed is one in which the object of contract is performed, and this, says Blackstone, differs in nothing from a grant. The contract between Georgia and the purchasers was executed by the

grant. A contract executed, as well as one which is executory, contains obligations binding on the parties. A grant, in its own nature, amounts to an extinguishment of the right of the grantor, and implies a contract not to reassert that right. A party is therefore always estopped by his own grant." He recognized that an obligatory contract was one still to be performed—in other words, an executory contract, also that a grant of land was an executed contract—a conveyance. But, he asserted, every grant is attended by "an implied contract" on the part of the grantor not to claim again the thing granted. Thus, grants are brought within the category of contracts having continuing obligation. "When a law is in the nature of a contract, when absolute rights have vested under that contract, a repeal of the law cannot divest those rights. A party to a contract cannot pronounce its own deed invalid, although that party be a sovereign State. A grant is a contract executed. A law annulling conveyances is unconstitutional because it is a law impairing the obligation of contracts within the meaning of the Constitution of the United States." Trustees of Davenport College v. Woodward, [1819] Chief Justice Marshall in his controlling opinion appealed to the obligation of contracts clause directly- the contract still continued in force between the State of New Hampshire, as the successor to the Crown and Government of Great Britain, and the trustees, as successors to the donors. The charter, in other words, was not simply a grant-rather it was the documentary record of a still existent agreement between still existent parties."

"The American people, before developing a properly functioning stable government, developed a stable system of land ownership, whereby the people owned their land absolutely and in a manner similar to the king in common-law England. As "allodium" which means, or is defined as a man's own land, which he possesses merely in his own right, without owing any rent or service to any superior." Wallace v Harmstad, 44 Pa. 492 (1863).

The living man is the only one in privity to this grant. Our understanding of the term "privity" pertains to the relationship between a party to a suit and a person who was not a party, but whose interest in the action was such that he will be bound by the final judgment as if he were a party. Foltz v. Pullman Inc., Del. Super., 319 A.2d 38,41. Blacks fifth Ed. We have never consented to the actions taken by, Wells Fargo Bank, Phelan Hallinan Diamond and Jones, LLP , and

Steven and Lee. Nor, as the beneficiary have we been recognized as a party to any of the suits brought against the Estate. Each of the named defendants have presumed consent to the administration of the Estate, and have yet to prove standing to administrate the Estate, or a valid claim. As the holder in due course, we claim the unalienable right of beneficial interest.

Wells Fargo Bank, the Chief Executive Office, CEO C. Allen Parker, Phelan Hallinan Diamond and Jones, LLP Attorneys; Lawrence T. Phelan, Francis S Hallinan, Rosemarie Diamond, Timothy C. Jones, Joseph A. Dessoie and Vishal J. Dobaria. Stevens and Lee Law Attorneys Steven J Adams and Christine Kovan all co-operated to attack the land patent and eject the living man on April 24, 2019 from the patented premises from which the living man resided since nineteen hundred eighty eight. The Pennsylvania Supreme Court and the Supreme Court of the united States has ruled the land patent to be superior title. A color of title sheriff deed was overlayed on the land patent. The Bank seeks recovery of an asset to which it has no rightful claim as the living man is the beneficiary and can and have proven so. *"Equity shall not allow a statute to be used as a cloak for fraud."* The living man requires remedy for this action.

The doctrine of equal standing in law makes it clear that only parties of equal standing can communicate in law. I, the petitioner/complainant, am a living man, the Respondent/Defendant, is a DEAD Artificial fiction. The maxim of Law is; *"dissimilar things ought not to be joined."* Since governments are fictions, they can only deal with fictions and are thus, prohibited from re-creating lawful

civil authority. *"Equity is a correction of law when too general in the part in which it is to defective"*

"Equity follows the law". This natural living man, pleads with the Supreme Court, we have a conflict here! "When there is conflict and variance between the common law and equity, equity will be the remedy." (Judicature Act 1873/1875). "It is equity that he should make satisfaction who receives the benefit". There IS a conflict with variance of law, equity, codes and rules of regulations and statutes. An heir is either by right of property or right of representation.

I, pieczynski, paul, am a private, Christian, living man who sojourns on the land, and defend the rights of the land patent, that are derived from treaties and enabling acts of Congress under the signature of the united States President when each state entered the Union. *"Equity favors deliverance and seisin"*. Land Patents are stare decisis, and well settled law and decided. I affirm, life, liberty and property based on God's Law and require remedy for this trespass.

Matthew 22: "20 - And he saith unto them, whose is this image and subscription? 21 - They said unto him, Caesar's. Then he saith unto them, Render therefore unto Caesar the things that are Caesar's; and unto God the things that are God's."

God's things are principal, in which, Caesar only has an interest. No one and No Thing stands higher than the TRUTH.

In the event the interpretation of words, doctrines, ideas, principles and laws are in conflict, then the interpretations shall be governed by that of English Chancery ratified by the Judiciary Act of 1789, next, Chancery Division of the "supreme court of the United States" in paragraph one of June 19, 1934 of the 73rd

Congress Sess II CHS 651, 652 (Public Law No. 415), which rights, are later left untouched by the supreme court in their passage of specifically only "SEC 2" in 1934, and the American Equity Jurisprudence circa A.D. 1776 which protection arises under My country governed by the written "We The People" "The constitution for the united States of America" Art. III, Sect. 2, Subd. 1, Maxims of Equity listed in *TOA*, and private trust law: equity shall always prevail!

As Grantee, I grant the name, PAUL PIECZYNSKI, and place the name with SPECIAL DEPOSIT with the Supreme Court. I am an heir, "God, and not man, make the heir" to the descendants legal ESTATE. I, Pieczynski, Paul am the beneficiary of the TRUST just established, now established, with respect to "care and maintenance" of the Trust of whose "functional operational disclosure" is the last line of the Declaration of Independence and have nominated, appointed and declared, and by these presents do hereby nominate, appoint and declare Co-Trustees, John D. Krohn, Lawrence T. Phelan, Francis S Hallinan, Rosemarie Diamond, Timothy C. Jones, Joseph A. Dessoye and Vishal J. Dobaria of Phelan Hallinan Diamond and Jones, LLP, One Penn Center, 1617 JFK Boulevard, Suite 1400, Philadelphia, PA 19103.. Wells Fargo Bank, the Office of CEO and C. Allen Parker, CEO. Attorneys Steven J Adams and Christine M. Kovan from Stevens and Lee 111 North Sixth Street Reading, Pennsylvania 19601.

"Equity follows the law", as will the co-trustee's only under specific performance under the maxims.

"Equity is a construction made by the Judges, that cases out of the letter of statute, yet within the same mischief, shall be with in the same remedy". This natural living man, acknowledge and accept all gifts and grace granted by the creator. *"Equity wishes the deceived, the spoiled and the ruined above all things to have restitution".* I repent all transgressions against the great spirit and waive all claims without the creator.

"Equity imputes an intent to fulfill an obligation"

I pray, the Supreme Court of the united States of America will NOW honorably stand for 'we the people'. *"Equity is sort of a perfect reason, which interprets and amends the written law, comprehended in no code but by reason alone".* i stand with my creator and ask the Supreme Court Justices to do what is right and just. *"Equity regards that which ought to have been done as done".* The natural living man is seeking remedy from this honorable Chancery Court.

In Summary, We regard the defendants presumption of consent to the administration of our estate as a serious trespass. We further are concerned with the violation of law by ignoring the Land Patent. In each instance, the trust was breached. We come before this court, as the beneficiary, simply to ask for that which belongs to the Estate.

"Equity will not aid a volunteer".

Parties to Suits by and against Private Corporations.-A private corporation is a *Person* in law, (Code § 50.), and is sometimes called an *artificial* person to distinguish it from a natural person. Its charter and the general laws circumscribe

and define its rights, powers, duties and liabilities. A private corporation has a legal name, and sues and is sued by such name; (Maryville College v. Bartlett, 8 Bax.232), But like a natural person, it may have another name by which it is known, and if sued by such other name the proceeding is valid. A private corporation, like a natural person may sue any one indebted to it, or having its property in possession, or interfering with its property, rights or duties; and may be sued by any one to whom it is liable *ex contractu or exdelicto*, in the same manner a natural person is sued... [A TREATISE ON SUITES IN CHANCERY, § 131, p.121. Henry R. Gibson. ISBN978933311204.]

No Person bound to act for another in any matter can, as to that matter, Act for himself. [H.R. GIBSON, § 46. ,p 40, A TREATISE ON SUITS IN CHANCERY.]

Complainant issues of fact:

Each of the named defendants are Professionals and had a fiduciary duty to know their actions have been a breach of Trust. John D. Krohn, Lawrence T. Phelan, Francis S Hallinan, Rosemarie Diamond, Timothy C. Jones, Joseph A. Dessoye and Vishal J. Dobaria Steven J Adams and Christine M. Kovan , Wells Fargo Bank, the Office of CEO and C. Allen Parker, did knowingly represent themselves as beneficiary, when in fact, none of the defendants had or have now, a valid claim.

UnAuthorized administration of the Estate.

Defendants named have no standing.

Co-Trustees, John D. Krohn, Lawrence T. Phelan, Francis S Hallinan, Rosemarie Diamond, Timothy C. Jones, Joseph A. Dessoie and Vishal J. Dobarra of Phelan Hallinan Diamond and Jones, LLP have brought actions in the Common Pleas Court of Luzerne County Pennsylvania under case numbers 2014-4536 and 2017-1027. Attorneys Steven J Adams and Christine M. Kovan from Stevens and Lee 111 North Sixth Street Reading, Pennsylvania 19601 have represented action in the Superior Court of Pennsylvania, case number 1879 MDA 2015 and the Supreme Court of Pennsylvania, case number 498 MAL 2016. Also in the United States Middle District Court under case numbers 3:16 mc 339 and 3:17 cv 422. Steven J. Adams in the United States Appellate Court under case number 18-1294.

The past actions by the defendants named, have deprived the claimant of equitable rights to property by: using the color of law to ignore the land patent and to presume the right of equitable election. Actions commenced on the 4th of April, 2014 and continued until ejectment on the 24th of April, 2019

Complainant now Prays, the Honorable Court for a receiver to be appointed, to take possession of said goods, chattels, property, lands, and collect the rents, and said choses in action, and that a writ of possession be issued to put him in possession thereof.

Pray upon the court , an appropriate relief, to return all property belonging to the true beneficiary. This beneficiary claims the right of equitable recoupment, as the beneficiary is alone in Equitable interest regarding each of the matters before the court.

We pray further, this court put the living man, paul pieczynski, in possession of all properties in question before the court. The remedy the natural living man requires

is the restoration of his property, for the encroachment upon The Equitable life Estate. The equitable redemption of all proceeds from the monetized note(s). We require a decree for back rents nunc pro tunc. Six thousand dollars a day from and including the 24th of April, 2019 until the restoration or equitable settlement can be had for displacement from his premises, as damages.

Put the beneficiary, paul pieczynski, in equitable possession of the property(s).

Moving and storage cost in the estimated amount of twenty six hundred dollars.

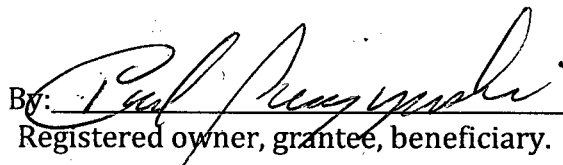
We pray, The Chancellor grant a private decree in Chancery's exclusive and original jurisdiction recognizing the sovereignty of the land patent and recognizing the complainant as the true beneficiary of the "res".

"Equity Regards the Beneficiary as the Real Owner"

SUPREME COURT OF THE UNITED STATES,

Washington D.C.

I AM, paul pieczynski, the complainant in the foregoing bill, affirm, that the statements in his foregoing bill made as of his own knowledge are true, and those made as on information and belief, he believes to be true.

By: 
Registered owner, grantee, beneficiary.